

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PACIFIC LIFE INSURANCE COMPANY :
And PACIFIC LIFE & ANNUITY COMPANY,

Plaintiffs,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/13/2023

17-CV-1388 (KPF) (RWL)

-against-

THE BANK OF NEW YORK MELLON,

Defendant.

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ORDER

The Court will be holding oral argument to address questions concerning the parties' briefing of issues remaining following the Court's partial ruling on summary judgment. To aid the Court in advance of argument, by November 27, 2023, Plaintiffs shall file a completed version of the attached table pursuant to the following instructions:

The table lists types of Events Of Default ("EODs") alleged by Plaintiffs. In the **second column**, Plaintiffs shall indicate by inserting "yes" or "no" whether they allege any post-Settlement EODS of that particular type, and, if yes, during what years. "Settlement" refers to the 2011 Countrywide Settlement.

In the **third column**, Plaintiffs shall identify the source of the servicing standard or other contractual requirement allegedly breached. Relevant potential sources are: (1) Settlement § 5 (Plaintiffs shall identify the relevant sub-section); (2) Settlement § 10(b); (3) Other (which Plaintiffs shall identify).

In the **fourth column**, Plaintiffs shall identify the paragraphs from the Beckles expert report that Plaintiffs contend provide proof of the respective EOD under the respective standard.

Dated: November 13, 2023

SO ORDERED.



Robert W. Lehrburger
United States Magistrate Judge

PACLIFE v. MELLON: ALLEGED POST-SETTLEMENT EODs

TYPE OF EOD	POST-SETTLEMENT (No, or Yes, with applicable years)	SOURCE OF STANDARD / REQUIREMENT	SUPPORTING PARAGRAPHS IN BECKLES REPORT
Non-eligible Accounts			
Liquidation of loans with uncured doc exceptions			
Failure to repurchase delay deliver loans			
Servicer Admissions			
a. Reg-AB Trusts			
b. USAP Trusts			
Master Servicer reporting			
a. Failure to disclose non-compliance			
b. Annual officer certificates (USAP Trusts)			
c. Annual officer certificates (Other Trusts)			
d. Independent accounting reports (USAP Trusts)			

Notice of R&W breaches			
Servicing Breaches			
a. Servicing Requirements Under GAs			
b. Failure to maintain REO properties			
c. Industry standard foreclosure timelines			
d. Foreclosures with missing/defective docs			
Failure to repurchase modified loans			